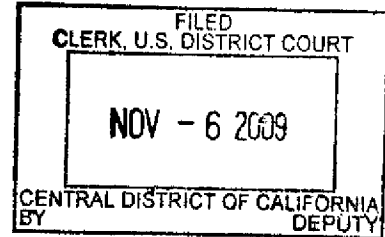


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8 Attorneys for Plaintiff,
9 PHOENIX SOLUTIONS, INC.

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 PHOENIX SOLUTIONS, INC., a
14 Maryland corporation,

15 Plaintiff,

16 v.

17 WEST INTERACTIVE CORP., a
18 Delaware corporation,

19 Defendant.

CASE NO.

CV09 08156 IPSPG (JEMx)

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
INFRINGEMENT OF U.S. PATENT
NOS. 6,665,640, 6,633,846, 7,277,854,
AND 7,555,431 UNDER 35 U.S.C. §
271

DEMAND FOR JURY TRIAL
PURSUANT TO F.R.C.P. 38 AND
THE SEVENTH AMENDMENT

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21 //

22 //

23 //

24 //

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27
28 COMPLAINT

1 Plaintiff, PHOENIX SOLUTIONS, INC. ("Plaintiff" or "Phoenix"), hereby
2 complains against Defendant WEST INTERACTIVE CORP. (hereinafter
3 "Defendant" or "West"), as follows:

4 1. This is a civil action for patent infringement arising under the patent
5 laws of the United States, 35 U.S.C. § 271 *et seq.*

6 **I. THE PARTIES**

7 2. Plaintiff is a corporation organized and existing under the laws of the
8 State of Maryland, with its principal place of business at 11601 Wilshire Blvd,
9 Suite 500, Brentwood, Los Angeles, CA 90025.

10 3. Upon information and belief, West is a corporation organized and
11 existing under the laws of the State of Delaware, which conducts business within
12 the Central District of California and in which infringing acts have occurred.

13 **II. FACTUAL BACKGROUND**

14 4. Plaintiff is the owner by assignment of U.S. Patent Nos. 6,665,640,
15 6,633,846, 7,277,854 and 7,555,431 (hereinafter "Patents in Suit") directed to
16 "speech recognition software".

17 5. Plaintiff Phoenix developed the next generation of speech recognition
18 systems that give users the ability to have a verbal conversation with a computer
19 about a subject on which the computer has been programmed to process and
20 generate intelligent responses. One of the first applications of this new technology
21 was its use in telephone customer service lines where the customer calls a computer
22 and a "virtual customer service agent" answers the line and interacts with a caller
23 using "natural speech" akin to a live person.

24 6. Phoenix encompasses the life work of a pioneer in the field of
25 computer-based speech recognition, Dr. Ian Bennett. Originally from Jamaica, Dr.
26 Bennett graduated with honors from the University of British Columbia and went
27 on to receive his Master's and Doctorate degrees in electrical engineering from

1 Stanford University. While at Stanford, Dr. Bennett developed the first practical
2 analog processor for speech compression. After graduation he held technical
3 engineering positions with several high technology companies and contributed to
4 device and product development. As a consultant to the Variable Speech Corp. of
5 Tokyo, Japan, he contributed to the development of an analog speech compression
6 VLSI speech processor used for audio compression in consumer speech recorders.
7 In 1994, Dr. Bennett began the development of a natural language query system
8 (NLQS). Subsequently, he founded Phoenix Solutions, where he guided the
9 development of algorithms for statistics- and semantics-based signal processing of
10 speech that allow a computer to take in natural speech questions and return answers
11 that also sound like natural speech. Dr. Bennett developed various applications for
12 his technology, including interactive conversational systems and interactive guides,
13 intelligent tutoring systems and form-filling systems.

14 7. Plaintiff's natural language interactive voice response ("IVR") system
15 is superior to conventional systems and methods of understanding and responding
16 to user input because the caller can simply talk to the Plaintiff's system using
17 natural language. In contrast, touch-tone IVR systems require the caller to select
18 from a series of choices using a more limited telephone keypad. IVR touch tone
19 systems are also less efficient since they require callers to listen to an entire menu
20 of choices and wade through a series of menus before providing a response to the
21 caller. Consumers hang up at a greater rate in frustration when they become lost in
22 the maze of menus. Additionally, directed dialog speech recognition (where callers
23 are prompted to speak certain words or phrases) suffers similar limitations as well,
24 as the choices are limited and again callers are required to listen to and wade
25 through entire menus of choices before a response is given. Finally, though live
26 operators may be used to communicate with a user, such a method is much more
27 expensive and less cost-efficient than maintaining Plaintiff's IVR system.

1 8. Upon information and belief, West Interactive Corp. designs, deploys,
2 hosts, and maintains advanced speech recognition systems to address the customer
3 service needs of its corporate clients. In essence, clients from across the United
4 States outsource to West to provide speech recognition customer service. The
5 speech recognition systems created by West for at least some of its clients employs
6 a natural language interactive voice response ("IVR") system that includes the use
7 of virtual agents. Upon information and belief, according to their annual reports
8 West charges by the minute for use of its speech recognition systems servicing
9 millions of callers across the United States, and as a result, West's receives
10 hundreds of millions of dollars in revenue per year from such services.

11 9. Upon information and belief, West builds and customizes IVR systems
12 for each of West's corporate clients. West works with each client to determine the
13 business needs of each client. Based on those needs, West is responsible for
14 building a customized IVR system to receive calls for that client, including
15 implementing the architecture of the system, implementing words and phrases to be
16 recognized, implementing how calls will be routed, and implementing the types of
17 responses that will be given to each caller.

18 10. Upon information and belief, West is responsible for gathering data
19 from sample calls to its clients, analyzing and tagging that data, developing
20 interpretation grammars based on each client's business rules, and deploying the
21 resultant IVR system onto a speech recognition platform created by West. Further
22 upon information and belief, West is responsible for testing, maintaining, and
23 improving the IVR system, as well tuning the grammars.

24 11. Upon information and belief, due to the number and variety of West's
25 clients, West's speech recognition platform is capable of providing different
26 experiences/services for different callers, and utilizes multiple grammars, speech
27 recognizers and natural languages to understand and accommodate the variety of

1 callers across the United States. Further upon information and belief, West's IVR
2 platform is distributed because West utilizes physically separate IVR components
3 that are nevertheless interfaced with each other.

4 12. Upon information and belief, because of all of West's IVR systems run
5 on the same general speech recognition platforms, all of West's IVR systems utilize
6 the same general architecture, the same hardware, and the same speech recognition
7 software. Upon information and belief, each of West's IVR systems uses a
8 combination of telephony hardware and computer server hardware. Upon
9 information and belief, such hardware uses supporting software that includes
10 speech recognition and natural language engines used to understand the spoken
11 questions from callers. Each of West's IVR systems use speech recognition
12 engines to break down a caller's query into specific words understood by the IVR,
13 and use natural language engines to understand the meaning of those specific words
14 spoken by callers.

15 13. Upon information and belief, the speech recognition engines used by
16 West are distributed, meaning (in this context) that some of the speech-processing
17 operations for understanding callers are performed on a client computing system
18 (such as telephony platform or other hardware) while other speech processing
19 operations are performed on a separate server computing system.

20 14. Each of West's IVR systems utilize interactive virtual agents created
21 by West to respond to the caller's inquiries in real-time by providing responses in
22 natural speech. Due to the natural language engine developed and/or configured by
23 West, callers may communicate with the virtual agent in a conversational style as if
24 the caller was speaking to a real person. Upon information and belief, each virtual
25 agent has been taught natural language dialogues based on information provided by
26 West's clients and incorporated into the software by West. In this manner, the
27

1 virtual agent can understand inquiries posed by customers of each client and give
2 relevant responses.

3 15. Based on determining the most likely meaning of the caller's specific
4 question, the interactive virtual agent responds with a specific answer. The answer
5 may take the form of an audible response from the agent, or it may take the form of
6 the IVR system routing the caller to a live person working within the appropriate
7 department. In all instances, West controls and implements what responses and
8 actions each virtual agent takes based in part on content provided by their clients,
9 and has configured certain aspects of such client computing system and/or server
10 computing system to provide such desired responses or actions.

11 16. Upon information and belief, the information used by West's IVR
12 systems (including e.g., the grammar used, specific questions to which it can
13 respond, the interpretation of questions, and the answers to be given to customers)
14 were derived and created by West from collecting and studying data from actual
15 calls made to West's clients. Based on this data, Plaintiff believes that West has
16 trained the IVR systems with the data, and as a result, the IVR systems are tailored
17 to respond with appropriate answers to questions as required by West's clients.

18 17. Upon information and belief, West's IVR systems are a combination
19 of components, including at least some hardware, software and content which it
20 obtained from third parties (third party components). Nonetheless, and on
21 information and belief, West is responsible for and has caused such third party
22 components to be combined, adapted and configured in accordance with specific
23 performance, content requirements and scenarios required by West.

24 18. Consequently, and on further information and belief, the current
25 structure and operation of West's IVR systems is a result of architecture, data
26 collection/analysis, grammar development, and system testing, deployment, and
27 tuning provided by West and configuration/modification of third party components

1 performed by West. Such third party components – as currently available from
2 such third parties - by themselves would not be sufficient to implement West's IVR
3 systems without West's contributions and actions.

4 19. On or about February 13, 2008, Plaintiff filed suit against The
5 DirecTV Group, Inc. ("DirecTV") because the IVR system used by DirecTV
6 infringed Phoenix's patents. On July 17, 2009, DirecTV argued at length that West
7 is the entity responsible for the IVR system, not DirecTV. Thus, DirecTV asserted
8 that because DirecTV is merely a client of West utilizing West's IVR system,
9 responsibility for infringing Phoenix's patents rests on West.

10 **III. JURISDICTION AND VENUE**

11 20. This Court has original subject matter jurisdiction over Plaintiff's
12 patent infringement claim pursuant to 28 U.S.C. §1338(a).

13 21. This Court has personal jurisdiction over West because it conducts
14 business in the State of California and within the Central District.

15 22. Venue properly lies in the Central District of California pursuant to 28
16 U.S.C. §1391 and §1400, because the acts complained of herein have been
17 committed and are being committed in this Judicial District and West is subject to
18 personal jurisdiction within the District and the plaintiff has its principal place of
19 business within the Central District.

20 **IV. FIRST COUNT FOR INFRINGEMENT**

21 **OF UNITED STATES PATENT NO. 6,665,640**

22 23. Plaintiff hereby incorporates by reference the allegations contained in
23 paragraphs 1 through 22.

24 24. Plaintiff is the assignee of the U.S. Patent No. 6,665,640 ("the '640
25 Patent"), attached hereto as Exhibit 1, entitled "Interactive Speech Based
26 Learning/Training System Formulating Search Queries Based on Natural Language
27

1 Parsing of Recognized User Queries.” Plaintiff owns and has standing and capacity
2 to sue and recover damages for infringement under the ‘640 Patent.

3 25. West has violated Plaintiff’s patent rights by operating (and/or
4 directing and causing third parties to operate) an IVR system covered by at least
5 one claim of the ‘640 Patent. West’s infringing IVR system has not been
6 manufactured or authorized in any manner by the Plaintiff.

7 26. As a legal consequence of West’s infringement, Plaintiff is entitled to
8 compensation for no less than a reasonable royalty, as well as pre-judgment interest
9 and a preliminary and permanent injunction. In the event that the Court does not
10 exercise its equitable discretion to award a permanent injunction, then Plaintiff is
11 entitled to a judgment that includes a sum equal to the total projected value of a
12 compulsory license for the life of the patent at a royalty rate to be determined by a
13 jury, discounted to present value, to compensate Plaintiff for future infringement.

14 27. The infringement of the ‘640 Patent has been willful in that West is
15 fully aware of Plaintiff’s rights, yet has continued to use the infringing IVR system
16 in violation of the patent laws without a good faith basis for believing it does not
17 infringe or the patent is invalid. This intentional refusal to respect Plaintiff’s patent
18 rights constitutes willful infringement under 35 U.S.C. §§ 284 and 285, thereby
19 entitling Plaintiff to treble damages and attorneys’ fees.

20 **V. SECOND COUNT FOR INFRINGEMENT OF**
21 **UNITED STATES PATENT NO. 6,633,846**

22 28. Plaintiff hereby incorporates by reference the allegations contained in
23 paragraphs 1 through 22.

24 29. Plaintiff is the assignee of the U.S. Patent No. 6,633,846 (“the ‘846
25 Patent”), attached hereto as Exhibit 2, entitled “Distributed Realtime Speech
26 Recognition System.” Plaintiff owns and has standing and capacity to sue and
27 recover damages for infringement under the ‘846 Patent.

1 30. West has violated Plaintiff's patent rights by operating (and/or
2 directing and causing third parties to operate) an IVR system covered by at least
3 one claim of the '846 Patent. West's infringing IVR system has not been
4 manufactured or authorized in any manner by the Plaintiff.

5 31. As a legal consequence of West's infringement, Plaintiff is entitled to
6 compensation for no less than a reasonable royalty, as well as pre-judgment interest
7 and a preliminary and permanent injunction. In the event that the Court does not
8 exercise its equitable discretion to award a permanent injunction, then Plaintiff is
9 entitled to a judgment that includes a sum equal to the total projected value of a
10 compulsory license for the life of the patent at a royalty rate to be determined by a
11 jury, discounted to present value, to compensate Plaintiff for future infringement.

12 32. The infringement of the '846 Patent has been willful in that West is
13 fully aware of Plaintiff's rights, yet has continued to use the infringing IVR system
14 in violation of the patent laws without a good faith basis for believing it does not
15 infringe or the patent is invalid. This intentional refusal to respect Plaintiff's patent
16 rights constitutes willful infringement under 35 U.S.C. §§ 284 and 285, thereby
17 entitling Plaintiff to treble damages and attorneys' fees.

18 **VI. THIRD COUNT FOR INFRINGEMENT**
19 **OF UNITED STATES PATENT NO. 7,277,854**

20 33. Plaintiff hereby incorporates by reference the allegations contained in
21 paragraphs 1 through 22.

22 34. Plaintiff is the assignee of the U.S. Patent No. 7,277,854 ("the '854
23 Patent"), attached hereto as Exhibit 3, entitled "Speech Recognition System
24 Interactive Agent." Plaintiff owns and has standing and capacity to sue and recover
25 damages for infringement under the '854 Patent.

26 35. West has violated Plaintiff's patent rights by operating (and/or
27 directing and causing third parties to operate) an IVR system covered by at least

1 one claim of the '854 Patent. West's infringing IVR system has not been
2 manufactured or authorized in any manner by the Plaintiff.

3 36. As a legal consequence of West's infringement, Plaintiff is entitled to
4 compensation for no less than a reasonable royalty, as well as pre-judgment interest
5 and a preliminary and permanent injunction. In the event that the Court does not
6 exercise its equitable discretion to award a permanent injunction, then Plaintiff is
7 entitled to a judgment that includes a sum equal to the total projected value of a
8 compulsory license for the life of the patent at a royalty rate to be determined by a
9 jury, discounted to present value, to compensate Plaintiff for future infringement.

10 37. The infringement of the '854 Patent has been willful in that West is
11 fully aware of Plaintiff's rights, yet has continued to use the infringing IVR system
12 in violation of the patent laws without a good faith basis for believing it does not
13 infringe or the patent is invalid. This intentional refusal to respect Plaintiff's patent
14 rights constitutes willful infringement under 35 U.S.C. §§ 284 and 285, thereby
15 entitling Plaintiff to treble damages and attorneys' fees.

16 **VII. FOURTH COUNT FOR INFRINGEMENT**
17 **OF UNITED STATES PATENT NO. 7,555,431**

18 38. Plaintiff hereby incorporates by reference the allegations contained in
19 paragraphs 1 through 22.

20 39. Plaintiff is the assignee of the U.S. Patent No. 7,555,431 ("the '431
21 Patent"), attached hereto as Exhibit 4, entitled "Method for Processing Using
22 Dynamic Grammars." Plaintiff owns and has standing and capacity to sue and
23 recover damages for infringement under the '431 Patent.

24 40. West has violated Plaintiff's patent rights by operating (and/or
25 directing and causing third parties to operate) an IVR system covered by at least
26 one claim of the '431 Patent. West's infringing IVR system has not been
27 manufactured or authorized in any manner by the Plaintiff.

1 41. As a legal consequence of West's infringement, Plaintiff is entitled to
2 compensation for no less than a reasonable royalty, as well as pre-judgment interest
3 and a preliminary and permanent injunction. In the event that the Court does not
4 exercise its equitable discretion to award a permanent injunction, then Plaintiff is
5 entitled to a judgment that includes a sum equal to the total projected value of a
6 compulsory license for the life of the patent at a royalty rate to be determined by a
7 jury, discounted to present value, to compensate Plaintiff for future infringement.

8 42. The infringement of the '431 Patent has been willful in that West is
9 fully aware of Plaintiff's rights, yet has continued to use the infringing IVR system
10 in violation of the patent laws without a good faith basis for believing it does not
11 infringe or the patent is invalid. This intentional refusal to respect Plaintiff's patent
12 rights constitutes willful infringement under 35 U.S.C. §§ 284 and 285, thereby
13 entitling Plaintiff to treble damages and attorneys' fees.

14 **IX. DEMAND FOR JURY TRIAL**

15 43. Plaintiff hereby exercises its right to a jury trial under the Seventh
16 Amendment to the United States Constitution, and pursuant to Fed. R. Civ. Proc.,
17 Rule 38, demands a jury trial in accordance therewith.

18 **IX. PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for:

20 a. A preliminary injunction, barring West and all of its agents, officers,
21 attorneys, successors, and assigns from manufacturing, importing or using any
22 system (or components thereof) that infringes upon the '640, '846, '854, and the
23 '431 Patents;

24 b. A permanent injunction, barring West and all of its agents, officers,
25 successors and assigns from manufacturing, importing or using any system (or
26 components thereof) that infringes upon the '640, '846, '854, and the '431 Patents;

1 c. That West be required to account to Plaintiff for all savings and
2 revenues realized by West and any subsidiary and any partner company of West
3 from the use of IVR systems infringing the '640, '846, '854, and the '431 Patents;

4 d. A judgment for compensatory damages of at least \$25,000,000 for past
5 damages, as well as prejudgment interest, and a sum equal to a the total projected
6 value of a compulsory license for the life of the patents, discounted to present value
7 to compensate Plaintiff for future infringement in the event that a permanent
8 injunction is not awarded;

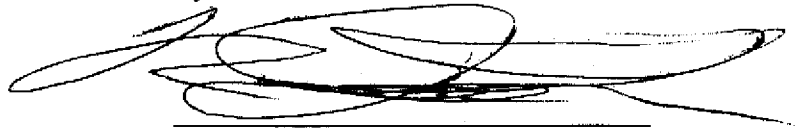
9 e. Treble damages and attorneys' fees pursuant to 35 U.S.C. §§ 284 and
10 285 for willful infringement of the '640, '846, '854, and the '431 Patents by West;
11 and,

12 f. Any and all other relief that the Court deems proper.

13
14 Respectfully submitted,

15 TROJAN LAW OFFICES

16 by

17 
18 _____

19 Dated: November 4, 2009

20 R. Joseph Trojan
21 Attorney for Plaintiff,
22 PHOENIX SOLUTIONS, INC.
23
24
25
26
27

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PHOENIX SOLUTIONS, INC., a Maryland
corporation,

PLAINTIFF(S)

v.

WEST INTERACTIVE CORP., a Delaware
corporation,

DEFENDANT(S).

CASE NUMBER

CV09 08156 PSG (JEMx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
R. Joseph Trojan, whose address is:

TROJAN LAW OFFICES
9250 Wilshire Blvd., Suite 325
Beverly Hills, CA 90212

an answer to the ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief
demanded in the complaint.

Clerk, U.S. District Court

Dated: NOV - 6 2009

By: CHRISTOPHER POWERS
Deputy Clerk **SEAL**
(Seal of the Court)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV09- 8156 PSG (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

PHOENIX SOLUTIONS, INC., a Maryland corporation

DEFENDANTS

WEST INTERACTIVE CORP., a Delaware corporation

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
Los Angeles County, California

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
TROJAN LAW OFFICES
9250 Wilshire Blvd., Suite 325
Beverly Hills, CA 90212
Tel. (310) 777-8399

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT:** \$ 25 million plus**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. § 271

INFRINGEMENT OF U.S. PATENT NOS. 6,665,640, 6,633,846, 7,277,854, AND 7,555,431

VII. NATURE OF SUIT (Place an X in one box only.)

- | | | | | | |
|--|--|---|--|--|---|
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 710 Fair Labor Standards Act |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 530 General Habeas Corpus | <input type="checkbox"/> 720 Labor/Mgmt. Relations |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act |
| <input type="checkbox"/> 450 Commerce/ICC Rates/etc. | <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Fed. Employers' Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 540 Mandamus/Other | <input type="checkbox"/> 740 Railway Labor Act |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 790 Other Labor Litigation |
| <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 620 Other Food & Drug | <input checked="" type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 810 Selective Service | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 850 Securities/Commodities /Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 861 HIA (1395ff) |
| <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 445 American with Disabilities - Employment | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities - Other | <input type="checkbox"/> 650 Airline Regs | <input type="checkbox"/> 863 DTWC/DIWW (405(g)) |
| <input type="checkbox"/> 891 Agricultural Act | <input type="checkbox"/> 210 Land Condemnation | | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 660 Occupational Safety /Health | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 892 Economic Stabilization Act | <input type="checkbox"/> 220 Foreclosure | | | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 865 RSI (405(g)) |
| <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> 230 Rent Lease & Ejectment | | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 894 Energy Allocation Act | <input type="checkbox"/> 240 Torts to Land | | | | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 245 Tort Product Liability | | | | |
| <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice | <input type="checkbox"/> 290 All Other Real Property | | | | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | | | | |

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

CV09 08156

FOR OFFICE USE ONLY: Case Number: _____

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): CV08-984MRP(SSx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

- ☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.
 Los Angeles

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

- ☐ Check here if the U.S. government, its agencies or employees is a named defendant.
 Nebraska

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

- Note: In land condemnation cases, use the location of the tract of land involved.
 Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date 11/4/09

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))